

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Sri K.Venugopal Rao S/o.Thirupathaiah R/o.Ganugapadu (V), Chandrugonda (M), Khammam District now Bhadradi Kothagudem District against the orders in CMA No.27/98, dated 05.12.2000 of the Agent to Government & Collector, Erstwhile Khammam district - Revision Petition Dismissed - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 32

Dated: 24-07-2023 .

Read the following:-

1. Revision Petition filed by Sri K.Venugopal Rao S/o.Thirupathaiah R/o.Ganugapadu (v), Chandrugonda (M), Khammam District now Bhadradi Kothagudem District dated 18-12-2002.
2. Govt.e-Memo.No.570/SWD/LTR/2003-5, dated 23-07-2004.
3. From the District Collector, Khammam District letter Rc.No.F2/CMA-27/98, dated 06-04-2006.
4. From the Tahsildar, Chandrugonda in his letter Rc.No.B/241/2020, dated 04.11.2020.
5. Govt.Memo.No.570/LTR-2/2003, dated 21.08.2007, 03.09.2007, 11-06-2010, 15.06.2017 and 23.10.2020.

ORDER:-

In the reference 1st read above, Sri Khammampati Venugopal Rao S/o.Thirupathaiah R/o.Ganugapadu (v), Chandrugonda (M), Khammam District now Bhadradi Kothagudem District has filed Revision Petition before the Government aggrieved by the orders of the Agent to Government, Erstwhile Khammam District in CMA No.27/98, dated 05.12.2000 in respect of land in Sy.No.143 admeasuring Acs.3.00 gts at Ganugapadu village of Chandrugonda Mandal, Khammam District now Bhadradi Kothagudem District urging the following grounds;

- i) Sale transaction is prior to the enactment - as such provisions of LTR are not at all applicable.
 - ii) 1st Respondent has erred in stating that there are interpolations etc. Since the Government is the custodian of records, the petitioner had nothing to do with the alleged corrections if any. As such the very approach of the respondents is not sustainable.
 - iii) The respondents ought to have seen that apart from sale agreement, the continuous documentary evidence clearly shows the right of the petitioner and there are no violations. At any event initiation of proceedings after lapse of so many years is illegal and violative of principles of natural justice.
 - iv) The respondents ought to have seen in the absence of any contrary evidence, it is not for the agency authorities (Revenue) to record findings with regard to validity of the agreement and other connected documents.
2. In the reference 2nd read above, Government have sent a copy of the Revision Petition of the Petitioner to the Agent to Govt./Collector, Khammam district and requested to send parawise remarks and connected case records.
3. In reference 3rd read above, the Collector, Khammam district has furnished parawise remarks and connected case record. The gist of the para-wise remarks is as under:
- Alleged sale agreement is a Photostat copy and not clearly visible. The Revision Petitioner must file original alleged sale deed said to have been executed by 4th respondent.
 - On verification of revenue records, it is evident that Sy.No.143 consisting of acs.7.05 gts and Sri Kondapalli Seetharama Rao, 4th respondent herein is pattedar for the years 1968-69 to 1973-74 and his name also existing as occupant for the years 1968-69 and 1969-70 as occupant to an extent of acs.1.10 gts in the same Sy.No. whereas name of appellant father i.e. Khammampati Thirupathaiah also existing in the pahani as an occupant

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during the crucial period with different ink and different hand writings which clearly indicates that above entries were made subsequently by tampering revenue record to overcome the Regulation. The tampered records have no value in the eye of law.

- On verification of Pahani extract for the year 1969-70 and 1970-71, it is found that name of the Revision Petitioner is not found in the column of the occupant. In the absence of entries in Pahani, alleged sale deed is not believable to prove his possession.
- The sale deed which is not duly stamped and registered U/s.17 (B) of Registration Act, cannot be admitted as evidence as observed by the Hon'ble High Court of AP in CRP No.1087/96, dated 10.08.1998 in the case of Bangaru Rama Tulasamma Vs Yada Mastan Reddy. Without producing any corroborative evidence, the alleged Photostat sale deed is not admissible and it has no value in this case.
- With regard to another contention that no tribal is involved – the presumption is that the entire land belongs to tribals unless the contrary is proved. The Regulation prohibits transfer of immovable property between non-tribals after commencement of the Regulation 1/59 R/W 1/70. Therefore, contention of Revision Petitioner is not correct.
- No exemption is provided under the Regulation to small or marginal farmers. The only question is whether the sale transaction is hit by the Regulation or not. The Revision Petitioner failed to prove his rightful possession over the suit land and the lower courts have rightly decided the case.

4. In the reference 4th read above, the Tahsildar, Chandrugonda Mandal has submitted acknowledge of Notice served to the Revision Petitioner and also reported that Sri K.Seetharama Rao is not residing in Ganugapadu village.

5. In the references 5th read above, issue Notices to the concerned to attend hearing the case was called on 07.11.2020. Petitioner called absent. Counsel for Revision Petitioner present. Tahsildar, Chandrugonda Mandal reported that the Revenue Inspector, Chandrugonda has served notice to the petitioner Sri K.Venugopal Rao and submitted acknowledgement. Further reported that the non-tribal respondent Sri K.Seetharama Rao is not staying in the village.

Case was previously called on the following dates:

31.08.2007 ..	Both the parties called absent.
17.09.2007 ..	Adjourned.
24.06.2010 ..	Both the parties called absent.
15.07.2017 ..	Counsel for petitioner present and sought adjournment. He was instructed to file written arguments along with original sale deed, pahani certificates and patta records.

6. Perused the record.

7. As per orders of Special Deputy Collector (TW) Palvanha in LTR case No.619/96/CHG, dated 13.11.1997:

- i) against the Revision Petitioner Sri Khammampati Venugopal Rao S/o Thirupathaiah for the suit schedule land of acs.3.00 gts in Sy.No.143 situated in Ganugapadu village of Chandrugonda Mandal in the erstwhile Khammam District (presently in Bhadradri Kothagudem District) as he had filed only sada sale deed dated 11.04.1968, plain paper land revenue receipts from 1969 to 1983 and printed land revenue receipts from 1983-84 to 1987-88, 1990-91, 1991-92 and 1400 Faslli to 1406 Fasli but failed to produce pahani extract for 1969-70 and 1970-71 which were produced by the Special Deputy Tahsildar (TW) wherein his name was not recorded as occupant. Therefore, in the absence of entries in pahani for the crucial period of the Regulation i.e. 1969-70 or 1970-71 and mere production of above documents which have no evidential value and cannot be relied upon, proved that

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transfer of immovable property belonging to non-tribal (Kondapalli Seetha Rama Rao) was made to another non-tribal (i.e. revision petitioner herein) after commencement of the Regulation 1/59 R/W 1/70.

- i. LTR case Nos.619/96/CHG were initiated by the Special Deputy Collector (TW), Palvancha. Sri Khammampati Venugopal Rao was petitioner and K.Seetha Rama was Respondent. This case was dismissed as the of transfer of property belonging to non-tribal was made to another non-tribal after commencement of the Regulation 1/59 R/w. 1/70.

8. Aggrieved on the orders of Special Deputy Collector (TW) Palvancha dated 13.11.1997, the Revision Petitioner Sri Khammampati Venugopal Rao had filed statutory appeal before the Agent to Government, Erstwhile Khammam in CMA No.27/98 and it was dismissed on 05.12.2000 upholding orders of Special Deputy Collector (TW) Palvancha in LTR case No.619/96/CHG dated 13.11.1997.

9. The case is pending since 18.12.2002 i.e. for almost 20 years. On examination of grounds of Revision Petition with reference to evidences available on record, the Revision Petition has submitted same arguments before the Government also which were submitted before the lower and appellate authorities and thus failed to prove his claim with sufficient documentary evidences/ corroborative evidences over the suit schedule land of acs.3.00 acres situated in Sy.No.143 in Ganugapadu village of Chandrugonda Mandal of erstwhile Khammam District presently in Bhadradi Kothagudem District.

10. Government, after careful examination of the matter and do not find any reason to interfere with the orders passed by the Agent to Government, Erstwhile Khammam District in CMA No.27 of 1998, dated 05.12.2000 and in LTR case No.619/96/CHG, dated 13.11.1997 passed by the lower authority i.e., Special Deputy Collector (TW), Palvancha and accordingly upheld the same and hereby dismiss the Revision Petition filed by Sri Khammampati Venugopal Rao S/o.Thirupathaiah R/o.Ganugapadu (v), Chandrugonda (M), Khammam District now Bhadradi Kothagudem District

11. The Agent to Government and Collector, Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Agent to Government & District Collector, Bhadradi Kothagudem District
(By RPAD)

The Special Deputy Collector (TW), Bhadrachalam,
Bhadradi Kothagudem District (By RPAD)

Sri Khammampati Venugopal Rao S/o.Thirupathaiah R/o.Ganugapadu (v),
Chandrugonda (M), Bhadradi Kothagudem District. (By RPAD)

Sri K.Seetha Rama Rao S/o.Satyanarayana Rao R/o.Ganugapadu village,
Chandrugonda Mandal, Bhadradi Kothagudem District. (By RPAD)

Copy to:-

Sri K.Vinay Kumar and T.L.K.Sharama, Advocates,
1-3-183/40/68/C/2, Gandhi Nagar, Hyderabad.
(Counsel for Petitioner). (By RPAD)

The Tahsildar (Mandal Revenue Officer),
Chandrugonda Mandal, Bhadradi Kothagudem District.

(Serve the copy of GO to the concerned addresses) (By RPAD)

The P.S to M(STW)

The P.A to Secretary (TW)

The P.A to Special Secretary (TW).

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.